



March 14, 2006

House Agriculture Committee
Lansing, Michigan

Re: Deregulation of Confined Animal Feeding Operations

Dear Committee Members,

On behalf of the seventy-two members groups of the Michigan Environmental Council, I want to express my concern with the direction being taken in HB 5711 through HB 5716. The residents of Michigan understand the importance of clean water to their jobs, their communities, and to their families. Unfortunately, these bills take a step in the wrong direction by putting our water resources at risk.

HB 5711 and 5712 contradict over thirty years of Clean Water Act precedent under which pollution sources are regulated based on **what** they are putting into our water, not **who** they are. Municipal wastewater treatment facilities generate waste that in many ways is similar to waste generated by CAFOs – animal waste – but no one is arguing that they should be exempt from the Clean Water Act. Exempting CAFOs from the Clean Water Act will put us into noncompliance with federal law and result in significant budget cuts to our water programs.

Participation in the Michigan Agricultural Environmental Assurance Program (MAEAP) should be encouraged – but in a manner similar to ways the industrial facilities are encouraged to participate in the Clean Corporate Citizen program.

We also cannot support the concept of an “agricultural storm water discharge” in Michigan. CAFOs by definition concentrate waste and then are allowed to spread it on land. We need to ensure that the land application of animal wastes is done in a manner that takes into consideration rain events – common occurrences in Michigan – and does not allow them to trigger pollution events.

This package also includes a proposal to move money from the Michigan Pollution Prevention Fund and the Clean Michigan Initiative into the Michigan Department of Agriculture. Instead, the money should be used to study the sustainability of the land application of animal waste. How much can be applied before it ends up into our lakes, rivers and streams? How much can be applied before phosphorus loading or other nutrient excesses makes a property unsuitable for further land application? Most other discharges into our waterways are closely monitored and studied. The discharge of animal wastes has avoided this needed examination.

This legislation is a step in the wrong direction. We urge members to oppose it as written.

Sincerely,

James Clift, Policy Director

Michigan Environmental Council, A Coalition of Organizations Protecting Michigan's People and the Environment

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